

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Gregory J. and Stacy G. Miller

Case No.: 17-21984

Judge: JNP

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☐ Modified/Notice Required
☐ Motions Included ☒ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

U.S. BANKRUPTCY COURT
FILED
CAMDEN NJ
2019 FEB - 5 P 3:06
BY: DEPT. CLERK
JEANNE A. [Signature]
Date: 02/01/2019

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: jbs

Initial Debtor: gjm

Initial Co-Debtor: sgw

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 763.00 per month to the Chapter 13 Trustee, starting on 02/01/2019 for approximately 41 remaining months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

Modified Plan reflects the following, pursuant to Trustee's Report dated 1/27/19:

- 1- balance of pre-petition mortgage arrearage= \$2474
- 2- post-petition mortgage arrearage (to resolve Motion to Lift Automatic Stay)= \$8381
- 3- balance Toyota Motor Credit (secured claim)= \$3
- 4- Dept. of U.S. Treasury (2 claims- priority unsecured)= \$8215 + \$360= \$8575
- 5- Total filed non-priority unsecured claims= \$9020
- 6- Trustee commission added on to total of #'s 1-5 above

Part 2: Adequate Protection ☐ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$0.00
DOMESTIC SUPPORT OBLIGATION Dept. of U.S. Treasury (2 claims)	income taxes	\$8575

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo Bank	Debtors' residence	\$2474 + \$8381	3.25	\$2474 + \$8381	\$1910

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☐ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
%Toyota Motor Credit	2014 Toyota Sienna- balance of claim	N/A	\$3	\$3

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Bank of America	711 Willow Drive, Cinnaminson, NJ	\$330,745	\$0

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

Toyota Motor Credit- 2014 Toyota Sienna- regular payments outside Plan-- lease assumed

g. Secured Claims to be Paid in Full Through the Plan: ☐ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☒ Not less than 100 percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
Navient	Husbans student loan	regulat payments outside Plan	\$18,023 outside Plan

Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Toyota Motor Credit	none	auto lease	ASSUMED	outside Plan

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

1) Ch. 13 Standing Trustee commissions

2) secured claims

3) priority unsecured claims

4) non-priority unsecured claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 11/14/2017.

Explain below **why** the plan is being modified:

1- Inclusion of post-petition arrears to resolve Motion to Lift Automatic Stay

Explain below **how** the plan is being modified:

1- included in this Modified Plan

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 1/29/19

Date: 1/29/19

Date: 2/4/19

[Signature]
Debtor

[Signature: Michael Miller]
Joint Debtor

[Signature]
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12
 United States Bankruptcy Court
 District of New Jersey

In re:
 Gregory J. Miller
 Stacy G. Miller
 Debtors

Case No. 17-21984-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 34

Date Rcvd: Feb 08, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 10, 2019.

db/jdb
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 517074703
 516955051
 517079761
 516877390
 517036811
 516953280
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 516924701
 516877389
 516902200
 517570342
 516877392
 516978278
 516894436
 516877388
 517013548
 516912177

+Gregory J. Miller, Stacy G. Miller, 15 Merion Road, Marlton, NJ 08053-1913
 +Jeffrey B Saper, 180 Tuckerton Road, Suite 2, Medford, NJ 08055-8802
 +BANK OF AMERICA, N.A., c/o Frenkel, Lambert, Weiss, Weisman & G, 80 Main Street, Suite 460, West Orange, NJ 07052-5414
 +Apex Asset Management, LLC, Virtua Health System WJ, PO Box 5407, Lancaster, PA 17606-5407
 BANK OF AMERICA, N.A., PO Box 31785, Tampa, FL 33631-3785
 Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266-0933
 +CREDIT UNION OF NEW JERSEY, 1301 PARKWAY AVE, EWING NJ 08628-3010
 (address filed with court: CUNJ, 7 Dunmore Ave., Ewing, NJ 08618)
 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 +Credit Union of New Jersey, c/o Peter J. Liska, LLC, 766 Shrewsbury Ave., Tinton Falls, NJ 07724-3001
 ECMC, PO BOX 16408, St. Paul, MN 55116-0408
 ECMC, PO BOX 16408, St. Paul, MN 55116-0408, ECMC, PO BOX 16408, St. Paul, MN 55116-0408
 +Jennifer Martz, 119 Cambridge Avenue, Marlton, NJ 08053-3014
 Navient Solutions, LLC. on behalf of, United Student Aid Funds, Inc., Attn: Bankruptcy Litigation Unit E3149, PO Box 9430, Wilkes Barre, PA 18773-9430
 +TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit Corp., 4 Gatehall Dr., Ste. 350, Parsippany, NJ 07054)
 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 United Student Aid Funds, Inc. (USAF), PO Box 8961, Madison WI 53708-8961
 +Virtua Health System, 303 Lippincott Drive, 4th Floor, Marlton, NJ 08053-4160
 +Virtua Health System, c/o Apex Asset Mgmt, 2501 Oregon Pike S. 102, Lancaster, PA 17601-4890
 +WELLS FARGO BANK, N.A., Fein Such Kahn & Shepard, PC, 7 Century Drive, Parsippany, NJ 07054-4673
 +Wells Fargo Bank, c/o Fein Such et al, 7 Century Drive, Ste. 201, Parsippany, NJ 07054-4609
 Wells Fargo Bank, Default Document Processing, N9286 01Y, 1000 Blue Gentian Road, Eagan MN 55121-7700
 +Wells Fargo Bank, N.A., Attention: Payment Processing, MAC# X2302-04C, 1 Home Campus, Des Moines, IA 50328-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov Feb 08 2019 22:54:37 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg
 +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Feb 08 2019 22:54:36 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516877394
 +E-mail/PDF: creditonebknofications@resurgent.com Feb 08 2019 23:09:22 Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
 516877391
 E-mail/Text: cio.bncmail@irs.gov Feb 08 2019 22:54:25 IRS Special Procedure Unit, PO Box 7346, Philadelphia, PA 19101-7346
 516877395
 +E-mail/Text: bncnotices@becket-lee.com Feb 08 2019 22:54:20 Kohls/Capital One, PO Boc 3115, Milwaukee, WI 53201-3115
 516993824
 E-mail/PDF: resurgentbknofications@resurgent.com Feb 08 2019 23:09:23 LNVN Funding, LLC its successors and assigns as, assignee of FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516877396
 +E-mail/PDF: pa_dc_claims@navient.com Feb 08 2019 23:08:43 Navient, PO Box 9500, Wilkes-Barre, PA 18773-9500
 516877393
 +E-mail/Text: electronicbkydocs@nelnet.net Feb 08 2019 22:54:38 Nelnnet, 3015 S. Parker Rd., Ste. 400, Aurora, CO 80014-2904
 516895953
 +E-mail/Text: Bankruptcy@nslp.org Feb 08 2019 22:54:35 Nelnnet on behalf of NSLP, National Student Loan Program, PO Box 82507, Lincoln NE 68501, 8 68501-2507
 516879718
 +E-mail/PDF: gecsedirecoverycorp.com Feb 08 2019 23:09:02 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 516999171
 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Feb 08 2019 23:08:44 Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 517002321
 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Feb 08 2019 23:08:44 Verizon by American InfoSource, 4515 N. Santa Fe Ave, Oklahoma City, OK 73118-7901
 TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 34

Date Rcvd: Feb 08, 2019

516978273* +IRS-Special Procedures Unit, PO Box 744, Springfield, NJ 07081

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 10, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 8, 2019 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor Toyota Lease Trust bnicholas@kmlawgroup.com,
bkgroup@kmlawgroup.com
Brian E Caine on behalf of Creditor BANK OF AMERICA, N.A. bcaine@parkermccay.com,
BKcourtnotices@parkermccay.com
Charles G. Wohlrab on behalf of Creditor WELLS FARGO BANK, N.A. cwohlab@logs.com,
njbankruptcynotifications@logs.com
Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmil@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmil@standingtrustee.com,
summarymail@standingtrustee.com
R. A. Lebron on behalf of Creditor WELLS FARGO BANK, N.A. bankruptcy@feinsuch.com
Sean M. O'Brien on behalf of Creditor BANK OF AMERICA, N.A. sobrien@flwlaw.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9